

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALL ASSETS IN AUSTRALIA AND
ELSEWHERE LISTED IN ATTACHMENT A,
AND ALL INTEREST, BENEFITS, AND
ASSETS TRACEABLE THERETO,

Defendants *in Rem*.

Civil Action No.: 1:15-cv-1106

The Honorable Liam O'Grady

ORDER STRIKING CLAIMS

The Court, having considered the United States' motion to strike the claims of Megamedia Limited, Megarotic Limited, Megaupload Limited, and Megavideo Limited (the "Corporate Claimants"); Kim Dotcom; and Mathias Ortmann, hereby finds the following:

1. a warrant or similar process has been issued for Claimants Kim Dotcom and Mathias Ortmann in a criminal case for the claimants' apprehension;
2. Claimants Kim Dotcom and Mathias Ortmann have had notice or knowledge of the warrants;
3. the criminal case is related to this forfeiture action;
4. Claimants Kim Dotcom and Mathias Ortmann are not confined or otherwise held in custody in another jurisdiction;
5. Claimants Kim Dotcom and Mathias Ortmann have deliberately avoided prosecution by declining to enter or reenter the United States;
6. Because Claimant Kim Dotcom, who is himself a fugitive under Section 2466, is the Corporate Claimants' controlling shareholder and, in particular, because he signed the claims on behalf of the corporations, a presumption of disentitlement applies to the corporations as well;

7. Claimants have failed to file a timely answer as required by Supplemental Rule G(5)(b), Federal Rules of Civil Procedure; and
8. The Court, in its discretion, has determined to strike the claimants' claims pursuant to 28 U.S.C. § 2466.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
THAT: the claims of Megamedia Limited, Megarotic Limited, Megaupload Limited, and
Megavideo Limited (the "Corporate Claimants"); Kim Dotcom; and Mathias Ortmann are hereby
stricken.

SO ORDERED.

Jan 10, 2018
Date: December 10, 2017
Alexandria, Virginia

/s/
Liam O'Grady
United States District Judge